

1 KEKER & VAN NEST, LLP
2 JON B. STREETER - #101970
3 DANIEL E. JACKSON - #216091
4 KHARI J. TILLERY - #215669
5 710 Sansome Street
6 San Francisco, CA 94111-1704
7 Telephone: (415) 391-5400
8 Facsimile: (415) 397-7188

5 Attorneys for Defendants
6 ROBERT WERRA and JOHN WERRA

2/20/2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 21X CAPITAL LTD. and DAVID A.
BREWER.

Case No. C06-04135 JW (HRL)

**STIPULATION AND [PROPOSED] *Joint Motion*
ORDER EXTENDING HEARING DATE
FOR DISPOSITIVE MOTIONS**

Plaintiffs,

V.

ROBERT WERRA and JOHN WERRA,
Defendants.

Defendants.

RECITAL

In its most recent scheduling order, the Court set March 24, 2008 as the last date for hearing dispositive motions.

Defendants intend to file a motion for partial summary adjudication on the narrow issue of choice of law—Texas or California.

Defendants believe that early resolution of this issue will allow the parties to engage in more meaningful settlement negotiations and, at the very least, help narrow the scope of the trial.

Due to recent staffing changes within Defendants' legal team, the Defendants need an extension of time to file their motion, which, in turn, would require the Court to extend the last date to hear dispositive motions.

While Plaintiffs do not concede that summary adjudication is the proper vehicle for resolution of this issue, and may raise this point in their opposition, they do agree to an extension of the last date to hear dispositive motions.

Due to various scheduling conflicts, the next available hearing date that works for both parties is April 14, 2008.

STIPULATION

For the foregoing reasons, the parties, through their undersigned counsel, stipulate and agree to extend the last date for hearing dispositive motions from March 24, 2008 to April 14, 2008.

IT IS SO STIPULATED.

Dated: February 15, 2008

KEKER & VAN NEST, LLP

By: /s/ Khari J. Tillery
KHARI J. TILLERY
Attorneys for Plaintiff
Robert Werra and John Werra

1 Dated: February 15, 2008

ROGERS JOSEPH O'DONNELL

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3 By: /s/ Thomas H. Carlson

4 THOMAS H. CARLSON

5 Attorneys for 21x Capital Ltd. and David
A. Brewer

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7 **** **ORDER** ****

8 The parties' request to continue the Last Date to Hear Dispositive Motions does not impact the
previously set Close of Discovery deadline set for February 29, 2008. The Court previously
9 modified the June 12, 2007 Scheduling Order on February 8, 2008 that advanced the Preliminary
10 Pretrial Conference from June 2, 2008 to February 25, 2008. The parties' shall notice and file
any dispositive motions according to the Civil Local Rules.

11 Dated: February 20, 2008

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13 THE HONORABLE JAMES WARE
14 United States District Court Judge



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